

REMARKS

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

In this Amendment claims 1 and 14 are amended, claim 54 is added, and no claims are canceled (claims 42, 44, 46 and 48 were previously canceled). As a result, claims 1-41, 43, 45, 47 and 49-54 are now pending in the application. Support for the claim amendments and newly added claim can be found throughout the specification, for example, at pages 9-10, and Figures 2 and 6.

In the pending non-final Office Action of July 27, 2007, claims 1 and 14 are objected to due to a typographical error. Claims 1-10, 14-26, 31-34, 37-39 and 50-53 are rejected under 35 U.S.C. §102(e) in view of U.S. Patent 6,314,479 (Frederick). Claims 11 and 27 are rejected under 35 U.S.C. §103(a) in view of Frederick and further in view of U.S. Patent 6,154,600 (Newman). Claims 12-13, 29-30, 35-36 and 40-41 are rejected under 35 U.S.C. §103(a) in view of Frederick and further in view of U.S. Patent 6,314,479 (Ersoz). Claims 43, 45, 47 and 49 are rejected under 35 U.S.C. §103(a) in view of Frederick, further in view of Ersoz, and yet further in view of U.S. Patent 6,072,489 (Gough).

Claim Objections

The amendments to claims 1 and 14 in this paper attend to the typographical error in those claims. Accordingly, withdrawal of the objection is respectfully requested.

§102 Rejection in view of Frederick

The §102(e) rejection in view of Frederick of claims 1-10, 14-26, 31-34, 37-39 and 50-53 is respectfully traversed for at least the following reasons.

First, regarding the various allegations of inherency, the pending Office Action notes that the Frederick patent fails to teach a number of elements of the pending claims, including: a processor, a memory coupled to the processor, a display controller and the processor, a display controller, and a screen. The Office Action then contends that it is inherent that the Frederick system would include all of these elements. The inherency of some of these elements is respectfully traversed (see next section, Traversal of Inherency).

It is respectfully submitted that the Frederick patent does not disclose some of the features in the pending claims. Claims 1 and 14 each recite a “display apparatus comprising circuitry allowing an interlaced mode of operation and a noninterlaced mode of operation” and a “microprocessor comprising control logic for switching said display apparatus between said interlaced and noninterlaced modes of operation in response to at least one of said commands.” Claim 31 recites a “display apparatus comprising circuitry providing a first mode of operation and a second mode of operation, said first mode of operation being one of an interlaced mode of operation and a noninterlaced mode of operation and the second mode of operation being the other.” Claim 37 recites a “screen operable to display visually detectable output from the host computer system when operating in the noninterlaced mode of operation and operable to display a television compatible signal when operating in the interlaced mode of operation.” The Frederick patent does not disclose these claimed features.

Instead of having a display screen and associated electronics capable of switching back and forth between interlaced and noninterlaced modes of operation, the Frederick system has a PC capable of sending either type of signal, and it simply sends the correct type of signal to the display, depending upon the type of display in the system. The Frederick patent explains this in the following passage:

The signals for the PC 14 support both digital and analog displays. The signals for the display 12 are different depending on the type of display.¹

In the event the pending rejection is maintained, it is respectfully requested that the next paper from the Office explain where Frederick teaches a display capable of switching back and forth between interlaced and noninterlaced modes of operation, and in particular, teaches the quoted claim features mentioned above.

Regarding the microprocessor recited in claims 1 and 14, it is noted that the Office Action points to col. 5, lines 46-49 of the Frederick patent, contending that the Frederick system has a display apparatus that includes a microprocessor. This cited passage mentions that the PC 14 and display 12 of Frederick support the USB Monitor Control Class specification and VESA Monitor Control Command Set. However, this cited passage does not mention any microprocessor of the display apparatus. It is believed that neither this passage, nor any other passage of Frederick, discloses any microprocessor of the display device, let alone the microprocessor with the features recited in the pending claims. In the event the rejection is maintained, it is respectfully requested that the next paper explain how the Frederick patent is being construed to teach a “display apparatus comprising a microprocessor for receiving commands from said host computer system, said microprocessor comprising control logic for switching said display apparatus between said

interlaced and noninterlaced modes of operation in response to said commands” as recited in claims 1 and 14, or the similar features recited in other pending claims.

Accordingly, it is respectfully submitted that the Frederick patent does not disclose the features of the claimed invention. Therefore, withdrawal of the §102 rejection is requested.

Traversal of Inherency Allegations of Frederick Patent

MPEP §2112 provides guidelines for a feature to properly be considered inherent. MPEP §2112 states, in part:

“The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.”²

“The mere fact that a certain thing may result from a given set of circumstances is not sufficient.”³

“In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.”⁴

In accordance with the standards for inherency set forth in MPEP §2112, it is respectfully submitted that a number of the features alleged to be inherent in the Office Action cannot be properly maintained.

In the various rejections citing the Frederick patent the Office Action contends that several claim elements are inherent in Frederick, including the processor, the memory coupled to the processor, the video controller coupled to the memory and the processor, the display

¹ Frederick, col. 7, lines 51-53.

² MPEP §2112 citing In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

³ MPEP §2112 citing In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

⁴ MPEP §2112 citing Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990).

controller, and the display screen, in addition to the features of these elements recited in the claims. These contentions are traversed, and in particular, the contentions of inherency discussed below are traversed for at least the following reasons.

The Office Action states that “it is inherent that Frederick has a video controller as the PC 14 and the display 12 support two different viewing modes where one mode is configured for displaying PC graphics and the other mode is configured for displaying TV video.”⁵ It is respectfully submitted that this feature is not inherent in Frederick. In fact, as discussed above, the Frederick patent appears to teach away from this feature. The Frederick patent expressly states that “[t]he signals for the display 12 are different depending upon the type of display.”⁶ Rather than having a single display with two different modes, the Frederick system simply provides the type of signals compatible to the particular display being used. If an analog display is being used, the Frederick system provides one of the signals from Table 4. If a digital display is being used, the Frederick system provides one of the signals from Table 5. Thus, the aforementioned claim features are not inherent in the Frederick system. For these same reasons, it is not inherent for the Frederick system “to display visually detectable output from the host computer system when operating in the noninterlaced mode of operation and operable to display a television compatible signal when operating in the interlaced mode of operation,” as recited in claims 1 and 14.

⁵ Office Action of July 27, 2007, at page 3.

⁶ Frederick, col. 7, lines 52-53.

§103 Rejection in view of Frederick / Newman

The §103 rejection of claims 11 and 27 in view of the hypothetical combination of Frederick and Newman is respectfully traversed, for at least the following reasons.

Rather than repeating the remarks above pertaining to the deficiencies of the Frederick patent, they are hereby incorporated into the discussion of the §103 rejection of claims 11 and 27.

In the §103 rejection of claims 11 and 27 the second cited Newman patent is relied upon to allegedly teach a parallel port. The Newman patent involves a non-linear editing system for home audio and video applications. Regardless of whether the Newman patent actually does teach a command being sent over a parallel port, it is respectfully submitted that Newman does not pertain to either a display or a computer system that has a noninterlaced mode of operation and an interlaced mode of operation. Therefore, the Newman patent does not overcome the deficiencies of the Frederick patent, as discussed above in regard to the §102 rejection.

Accordingly, it is respectfully submitted that Frederick and Newman, either taken singly or in hypothetical combination, do not teach or suggest the features of the claimed invention. Therefore, withdrawal of the §103 rejection of claims 11 and 27 is respectfully requested.

§103 Rejection in view of Frederick / Ersoz

The §103 rejection of claims 12-13, 29-30, 35-36 and 40-41 in view of the hypothetical combination of Frederick and Ersoz is respectfully traversed, for at least the following reasons.

Rather than repeating the remarks above pertaining to the deficiencies of the Frederick patent, they are hereby incorporated into the following discussion of the Frederick / Ersoz §103 rejection.

The Ersoz patent involves interlaced signals and non-interlaced signals. However, it would be improper to combine Ersoz with the Frederick because doing so would make Frederick unsatisfactory for its intended purpose. According to MPEP §2143.01 it is improper to combine references where the references teach away from their combination. MPEP §2143.01 also requires that, “[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.”⁷ Since Frederick expressly states that “[t]he signals for the display 12 are different depending upon the type of display,”⁸ it would be improper to modify the Frederick system to operate in a manner similar to Ersoz. Instead of having a display capable of displaying both interlaced and noninterlaced signals, the Frederick device operates by providing the correct type of signal to the display device *depending upon the type of display device being used*. Consequently, it would be improper to combine Frederick with Ersoz.

For at least these reasons, the hypothetical combination of Frederick and Ersoz does not teach or suggest teaches a “screen operable to display visually detectable output from the host computer system when operating in the noninterlaced mode of operation and operable to display a television compatible signal when operating in the interlaced mode of operation,” as recited in claims 1, 14 and 37, or the feature of “sending a mode change command to the display apparatus in response to said user input received in either the interlaced mode of operation or the noninterlaced mode of operation” as recited in claim 31.

Accordingly, it is respectfully submitted that the Frederick and Ersoz patents, either taken singly or in hypothetical combination, do not teach the features of the claimed invention.

⁷ MPEP §2143.01 citing *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Therefore, withdrawal of the §103 rejection applied to claims 12-13, 29-30, 35-36 and 40-41 is respectfully requested.

⁸ Frederick, col. 7, lines 52-53.

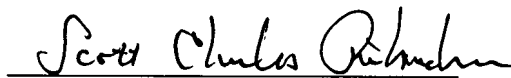
Deposit Account Authorization / Provisional Time Extension Petition

It is believed that no petition of time is needed for this filing and the accompanying Fee Transmittal attends to all required fees. However, to the extent necessary, a provisional petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571) 970-6835 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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